FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.559 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.U.N.Tripathi for the petitioner

Mr.S.R.Shinde APP for the State.

Coram : R.S.Mohite,J

Date : 23.3.2006.

PC

1. This is a petition impugning an order of externment dated 3.8.2005 which has been confirmed in appeal by the State Government on 18.10.2005. Three points are raised in this petition. The first point is that material particulars in respect of 8 non cognizable offences mentioned in the show cause notice are not given. It is seen from the show cause notice and the impugned order that there are also reference to 2 crimes which are registered by the police. In respect of the

crimes which are registered, full details have been given in the show cause notice. In so far as the non cognizable offences which are not registered, the police have not investigated such offences. Where there is other material which is sufficient, in my view the impugned order cannot be faulted. The 2nd point is that the order is excessive in so far as the externment is from districts which are not intimately related to Trombay area which is the alleged area of operation of the petitioner. Reliance is placed upon the judgment in the case of **Ganpat @ Ganesh Tanaji Katare Vs. Assistant Commissioner of Police reported in 2005 ALL MR (Cri.) 2717**. In my view, Alibag district, Thane district and New Bombay or Bombay districts are intimately connected to Trombay area. The 3rd point is that there is non application of mind because in paragraph-12 of the

appellate order all the ingredients of Section 56 are mentioned in the alternative. I find that the appellate authority has in fact made a reference to the crimes which are registered. It is the admitted position that the order of externment has already been executed. Eight months of the externment period have already completed. In my view, not a fit case to interfere. Petition is rejected.

(R.S.Mohite,J)